

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Griffin Sherbert	Team: Squad #7	CCRB Case #: 201802581	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 03/27/2018 4:39 PM	Location of Incident: East 66th Street and Avenue U in Brooklyn; 63rd Precinct stationhouse; Brooklyn Central Booking	Precinct: 63	18 Mo. SOL 9/27/2019	EO SOL 9/27/2019	
Date/Time CV Reported Tue, 04/03/2018 1:33 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Tue, 04/03/2018 1:33 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Jonathan Bourne	18854	958321	063 PCT
2. SGT George Taylor	2396	946312	063 PCT
3. POF Melissa Pascual	00790	961074	063 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT2 John Phelan	04187	918154	DB SVD

Officer(s)	Allegation	Investigator Recommendation
A.POM Jonathan Bourne	Abuse: Police Officer Jonathan Bourne failed to secure medical treatment for § 87(2)(b)	
B.SGT George Taylor	Abuse: Sergeant George Taylor failed to secure medical treatment for § 87(2)(b)	
C.POF Melissa Pascual	Abuse: Police Officer Melissa Pascual failed to secure medical treatment for § 87(2)(b)	
D.POF Melissa Pascual	Discourtesy: Police Officer Melissa Pascual spoke discourteously to § 87(2)(b)	
E.POM Jonathan Bourne	Abuse: Police Officer Jonathan Bourne searched § 87(2)(b)'s cell phone.	
F.SGT George Taylor	Abuse: Sergeant George Taylor searched § 87(2)(b)'s cell phone.	
G.POM Jonathan Bourne	Abuse: Police Officer Jonathan Bourne propositioned § 87(2)(b)	

### Case Summary

On April 3, 2018, § 87(2)(b) appeared at the CCRB as a walk-in and filed the following complaint.

On March 27, 2018, at approximately 4:00 p.m., § 87(2)(b) and her aunt, § 87(2)(b) entered § 87(2)(b)'s vehicle, located near the intersection of East 66<sup>th</sup> Street and Avenue U in Brooklyn. Five minutes later, Police Officer Jonathan Bourne and Sergeant George Taylor, both of the 63<sup>rd</sup> Precinct, approached the driver side and passenger side of § 87(2)(b)'s vehicle, respectively. Approximately 25 minutes later, PO Bourne and Sgt. Taylor informed them that the vehicle they were in had been reported stolen, and placed § 87(2)(b) and § 87(2)(b) under arrest. While being handcuffed, § 87(2)(b) informed the officers that she is diabetic and has an insulin pump, and asked them to bring her purse which contained her insulin. § 87(2)(b) and § 87(2)(b) were transported to the 63<sup>rd</sup> Precinct stationhouse, and lodged in a holding cell.

During her 10-hour detainment in the holding cells, § 87(2)(b) told multiple officers that she was feeling dizzy and needed to take her insulin, however, none of the officers provided her medication to her, nor offered her medical treatment (**Allegations A and B: Abuse of Authority**, § 87(2)(g), § 87(2)(b) told Police Officer Melissa Pascual, of the 63<sup>rd</sup> Precinct, that she is diabetic and was fearful of having a low blood sugar and passing out. PO Pascual allegedly told § 87(2)(b) that if she passed out, then she would call an ambulance for her (**Allegations C and D: Abuse of Authority and Discourtesy**, § 87(2)(g), § 87(2)(b).

At approximately 6:15 p.m., § 87(2)(b)'s step-father, Detective John Phelan of the Special Victims Division, entered the 63<sup>rd</sup> Precinct stationhouse, and spoke to PO Bourne and Sgt. Taylor, and told them that § 87(2)(b) did not know anything about § 87(2)(b)'s vehicle being listed as stolen. PO Bourne replied that he saw a text message in § 87(2)(b)'s phone that indicated she did know the vehicle was stolen (**Allegations E and F: Abuse of Authority**, § 87(2)(g), § 87(2)(b).

On March 28, 2018, at approximately 2:25 a.m., § 87(2)(b) was transported to Brooklyn Central Bookings, wherein an EMT told the transporting officers that they should have brought her insulin and since they had not, § 87(2)(b) needed to be brought back to the 63<sup>rd</sup> Precinct stationhouse.

After her release, § 87(2)(b) found a slip of paper in her purse that PO Bourne had written his name and personal cell phone number on (**Allegation G: Abuse of Authority**, § 87(2)(g), § 87(2)(b).

The investigation obtained two Body-Worn Camera videos that captured portions of the incident (BR01-BR02).

### Findings and Recommendations

**Allegation A—Abuse of Authority: Police Officer Jonathan Bourne failed to secure medical treatment for § 87(2)(b)**

**Allegation B—Abuse of Authority: Sergeant George Taylor failed to secure medical treatment for § 87(2)(b)**

**Allegation C—Abuse of Authority: Police Officer Melissa Pascual failed to secure medical treatment for § 87(2)(b)**

**Allegation D—Discourtesy: Police Officer Melissa Pascual spoke discourteously to § 87(2)(b)**

When § 87(2)(b) was interviewed at the CCRB on April 3, 2018, she provided the investigation with a written statement of her account of the incident (BR03), that she prepared with the assistance of Det. Phelan on March 28, 2018, the day after she was arrested and which is generally consistent with her sworn statement.

§ 87(2)(b) stated that on March 27, 2018, at approximately 4:39 p.m., after she and § 87(2)(b) had been handcuffed, she informed PO Bourne and Sgt. Taylor that she is diabetic, has an insulin pump, and asked them numerous times to bring her bag that contained her insulin with her, however, neither officer gave her a response (BR04). After she was transported to the 63<sup>rd</sup> Precinct stationhouse and lodged in a holding cell, § 87(2)(b) informed multiple officers of her medical condition, that she felt dizzy, and that she needed to take her insulin. None of the officers who § 87(2)(b) spoke with offered her medical attention or provided her insulin to her.

While lodged in the holding cell, § 87(2)(b) told PO Pascual that she was diabetic, and asked if she could provide her insulin to her to refill her insulin pump as she was fearful of having low blood sugar and passing out. PO Pascual replied, “You can’t take medication here. If you pass out we will call an ambulance.” § 87(2)(b) described PO Pascual as a Hispanic female, who stood approximately 5’6” tall, had a “thick” body type, had brown hair, and was dressed in uniform. During her 10-hour detainment at the 63<sup>rd</sup> Precinct stationhouse, § 87(2)(b) said she requested her insulin and medical attention more than five times in total. However, § 87(2)(b) also acknowledged that she refused to go to the hospital because she did not want to delay her arrest processing. § 87(2)(b) further stated that on March 28, 2018, at approximately 7:00 a.m., after officers retrieved her insulin from her mother’s residence, she refused to take her insulin because she did not have food to take it with.

Det. Phelan went to the 63<sup>rd</sup> Precinct stationhouse at approximately 6:15 p.m., and spoke to PO Bourne and Sgt. Taylor regarding the status of § 87(2)(b)’s arrest (BR05). During their conversation, Det. Phelan told both officers that § 87(2)(b) is an insulin-dependent Type-2 diabetic, that she takes insulin twice a day, and that she had been due for a treatment at 5:15 p.m. that evening. Sgt. Taylor and PO Bourne said ok, and brought Det. Phelan out to the civilian waiting room. Before leaving the stationhouse, Det. Phelan asked if he could bring § 87(2)(b)’s insulin to the stationhouse for her, but Sgt. Taylor told him no.

At approximately 10:30 p.m., Det. Phelan returned to the 63<sup>rd</sup> Precinct stationhouse to collect § 87(2)(b)’s personal property. After PO Bourne gave § 87(2)(b)’s property to Det. Phelan, he asked again if he could bring § 87(2)(b)’s insulin to the stationhouse, but PO Bourne also told him no.

Det. Phelan picked up § 87(2)(b) from Brooklyn Central Bookings on March 28, 2018, wherein she informed him of PO Pascual’s comment from the night before, that “If you pass out we will call an ambulance.” Det. Phelan said he observed PO Pascual working at the telephone switchboard desk during his visits to the 63<sup>rd</sup> Precinct stationhouse. When asked, Det. Phelan acknowledged that § 87(2)(b) was told by officers that if she needed to take insulin, she would need to go to the hospital which would significantly delay her arrest processing, and so she “toughed it out,” and refused medical treatment.

The investigation obtained two BWC videos, from PO Bourne (BR01) and Police Officer Michael Pascale of the 63<sup>rd</sup> Precinct (BR02), respectively, that captured relevant portions of the incident. PO Pascale’s involvement in this incident was solely comprised of responding to the arrest location and transporting § 87(2)(b) and § 87(2)(b) to the 63<sup>rd</sup> Precinct stationhouse. The two relevant Snagit clips, from PO Bourne (BR06) and PO Pascale (BR07) attached below, were taken from the above referenced BWCs.



201802581\_20190126\_1537\_DM.mp4

PO Bourne’s BWC clip begins with § 87(2)(b) asking PO Bourne to grab her stuff after he handcuffed her (BR06). PO Bourne escorts her toward a marked RMP, as Sgt. Taylor is

seen walking with them on the left side. PO Bourne says he will bring it, and § 87(2)(b) states clearly to both him and Sgt. Taylor at the six-second mark that she is a diabetic. PO Bourne replies that he has to take her to the car, and § 87(2)(b) again states at 10-second mark, “Ok, but please bring my bag. I’m a diabetic.” PO Bourne tells her that she cannot have her bag at that moment, but he will bring her “insulin or whatever you have.” § 87(2)(b) persists and tells PO Bourne at the 18-second mark, “No, but I’m just telling you because I have an insulin pump, and the pump is hooked up to my body, the machine is in there.” Neither PO Bourne nor Sgt. Taylor provide a response.



201802581\_20190126\_1536\_DM.mp4

PO Pascale’s BWC clip begins in the midst of transporting § 87(2)(b) and § 87(2)(b) to the 63<sup>rd</sup> Precinct (BR07). § 87(2)(b) asks the officers through the cage “to make sure they bring my pocketbook.” Neither officer provides a response as radio crosstalk is heard. § 87(2)(b) further states, at the 12-second mark, “...I’m just letting you know because I’m a diabetic. I need my bag. I have an insulin pump attached to me... If that gets lost, it’s gonna be an issue. I’m going to end up in the hospital.” Neither officer provides § 87(2)(b) with a response.

During his CCRB interview, PO Bourne initially acknowledged that § 87(2)(b) had told him that she was diabetic, however, he also stated that she did not have any specific needs or requests because she was diabetic, and that she refused medical treatment (BR08). When asked what § 87(2)(b) specifically said to refuse medical treatment, PO Bourne initially stated he did not remember what she said to refuse, but then stated that § 87(2)(b) did not request medical treatment, which he reasoned “is itself a refusal.” PO Bourne did not recall if he told § 87(2)(b) that her arrest processing would be delayed if she requested medical attention, as she had alleged in her written statement (BR03).

PO Bourne stated that after Det. Phelan arrived at the 63<sup>rd</sup> Precinct stationhouse and they discussed the circumstances of § 87(2)(b)’s arrest, Det. Phelan “demanded” that he fill out a Medical Treatment of Prisoner Report (“MTPR”) for § 87(2)(b) as she is diabetic. PO Bourne did not know if there was a specific process or procedure for a civilian who is diabetic, or for a civilian who requests insulin at a stationhouse. PO Bourne refused to prepare an MTPR as requested by Det. Phelan, and stated that he does not prepare MTPR for prisoners that do not request medical treatment. PO Bourne denied that § 87(2)(b) requested medical treatment, an ambulance, or insulin from him during the incident. PO Bourne added that if § 87(2)(b) had asked him for her insulin he would have given it to her, as he was going “above and beyond for her,” and said that he gave both § 87(2)(b) and § 87(2)(b) a juice at the stationhouse. Later in his CCRB interview, PO Bourne altered his testimony, and stated that he did not remember if § 87(2)(b) asked for or requested her insulin. PO Bourne also did not remember whether Det. Phelan asked if he could bring § 87(2)(b)’s insulin to the stationhouse for her.

Later that evening, PO Bourne fingerprinted and took § 87(2)(b) and § 87(2)(b)’s arrest photos and had no further interaction with them. PO Bourne denied that § 87(2)(b) ever told him she felt dizzy or felt like she was going to pass out, and did not hear her make those remarks to any other officer. PO Bourne denied witnessing any officer tell § 87(2)(b) that if she passed out then they would call her an ambulance.

Sgt. Taylor denied that § 87(2)(b) or any officer, ever informed him during the incident that she was diabetic (BR09). Sgt. Taylor stated that he did not recall § 87(2)(b) requesting medical attention during the incident, and was not informed by any officer that § 87(2)(b) requested medical attention. Sgt. Taylor could not recall if Det. Phelan told him that § 87(2)(b)

§ 87(2)(b) was diabetic, nor could he recall if Det. Phelan asked if he could bring § 87(2)(b)'s insulin to the stationhouse. Sgt. Taylor stated that if an individual needs to take medication or requires any other form of medical attention while in custody, EMS must be called as officers cannot personally administer medical attention to prisoners.

PO Pascual, a Hispanic female, who stands 5'7" tall, weighs 180 pounds, has brown hair, and was dressed in uniform, did not have any independent recollection of this incident and did not recall an arrest of two females by PO Bourne and Sgt. Taylor on March 27, 2018 (BR10). PO Pascual acknowledged that she was assigned to the telephone switchboard desk on the date of the incident, and said the desk is located approximately 10 feet away from the holding cells. PO Pascual denied having direct contact with any prisoners lodged in the holding cells, as the cells are located around corner from the T/S desk, and cannot see the holding cells from the desk.

PO Pascual did not recognize § 87(2)(b) by name or by photograph, and did not recall if she saw § 87(2)(b) within the 63rd Precinct stationhouse on the incident date. PO Pascual also could not remember whether § 87(2)(b) requested medical attention from her, and did not recall any female prisoner informing officers that she was diabetic, felt dizzy, and might pass out.

PO Pascual denied interacting with § 87(2)(b) and denied that she or any other officer told her, "If you pass out we'll call you an ambulance." PO Pascual stated that if a prisoner requested any kind of medical attention from her, she would have informed the desk officer, who would have called an ambulance to respond. PO Pascual stated that she would not be allowed to give a prisoner any kind of medication, even if they had it with them at the time of arrest, as any kind of medical treatment must be provided by EMS or at a hospital.

MTPR #§ 87(2)(b), prepared by Police Officer Thurman Ransom of the 63rd Precinct, on March 27, 2018, at an unspecified time, in sum and substance reported that § 87(2)(b) had an insulin pump attached to her person for a pre-existing diabetic ailment, that she did not have any prescription medication with her, that she neither requested nor required medical attention at the time of the arrest (BR11). The report further noted that § 87(2)(b) refused medical aid in the field, at the 63rd Precinct, and at Brooklyn Central Bookings. No further information provided.

The Correctional Health Services Pre-Arrest Screening Form, generated at Brooklyn Central Bookings, at approximately 4:00 a.m., in sum and substance reported that § 87(2)(b) has diabetes, was prescribed and was supposed to have taken insulin via her attached insulin pump but had not taken any at time of evaluation, and was listed as a medical priority but was not taken to the emergency room (BR12). No further information provided.

When a prisoner in custody requires medical or psychiatric treatment, officers are required to request an ambulance and remove the prisoner to the hospital from the place of arrest, if necessary. Similarly, desk officers are required to request an ambulance and have the prisoner removed to the hospital if medical or psychiatric treatment is necessary during arrest processing. Officers are required to prepare a Medical Treatment of Prisoner form for each prisoner who receives medical treatment, refuses treatment after claiming injury or illness, is in apparent need of treatment, may require prescribed medication, or has previously treated injuries. Patrol Guide, Procedure 210-04 (BR13).

§ 87(2)(g)

§ 87(2)(g) [REDACTED]

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§ 87(2)(g)

§ 87(2)(g)

**Allegation E—Abuse of Authority: Police Officer Jonathan Bourne searched § 87(2)(b)**  
**§ 87(2)(b)'s cell phone.**

**Allegation F—Abuse of Authority: Sergeant George Taylor searched § 87(2)(b) s**  
**cell phone.**

In her written statement, § 87(2)(b) said that after entering § 87(2)(b)'s vehicle, Sgt. Taylor approached the driver side and PO Bourne approached the passenger side (BR03).

In her CCRB interview, § 87(2)(b) stated that at the inception of the vehicle stop, PO Bourne approached the driver side and spoke with § 87(2)(b) while Sgt. Taylor stood on the passenger side (BR04). After obtaining § 87(2)(b)'s identification and registration, the officers

walked back to their RMP, and § 87(2)(b) called her ex-girlfriend from § 87(2)(b)'s cell phone, who confirmed that she had reported the vehicle stolen. When the officers returned, PO Bourne approached the driver side, ordered § 87(2)(b) and § 87(2)(b) to exit the vehicle, handcuffed § 87(2)(b) and lodged her in a marked RMP on scene. Afterwards, PO Bourne approached § 87(2)(b) who was speaking with Sgt. Taylor and attempting to show him Det. Phelan's PBA card, and handcuffed her as well.

On March 28, 2018, at approximately 5:30 p.m., Det. Phelan picked up § 87(2)(b) from Brooklyn Central Bookings, and informed her that the night before, he had spoken with her arresting officers at the 63<sup>rd</sup> Precinct stationhouse, wherein PO Bourne told him that he knew § 87(2)(b) was guilty of knowingly being in a stolen vehicle because he had seen her text messages on her cell phone that acknowledged this fact. § 87(2)(b) denied that PO Bourne was near her at the time when she had composed or sent any text messages, which she said had occurred when PO Bourne and Sgt. Taylor returned to their RMP after the initial stop. Although § 87(2)(b) acknowledged that she did not witness PO Bourne, Sgt. Taylor, or any other officer look through the contents of her cell phone, she also stated that her cell phone did not have a passcode at the time, as she had purchased it the day prior to the incident. § 87(2)(b) believed PO Bourne did look through her cell phone because he would not have been aware of any incriminating text message without doing so.

Det. Phelan stated that the first time he went to the 63<sup>rd</sup> Precinct stationhouse on the incident date, Sgt. Taylor brought him into a private interview room on the first floor and they were joined by PO Bourne (BR05). Det. Phelan told Sgt. Taylor that § 87(2)(b) did not know anything about the vehicle being stolen. PO Bourne replied, "Well, I saw her text message in her phone, and the text message said, 'Can you believe the girlfriend actually reported the car stolen?' So, § 87(2)(b) did know." Det. Phelan replied, "Well, first of all, that's not an admission that she knew anything. And secondly, why are you looking through her phone?" Neither Sgt. Taylor nor PO Bourne responded to Det. Phelan's question. When asked, Det. Phelan stated that he did not press either officer regarding the potential search of her cell phone as he was concerned for § 87(2)(b) and was trying to be diplomatic. Det. Phelan stated that the officers would have needed to obtain a search warrant to have looked into the internal contents of § 87(2)(b)'s phone.

Although he was the operator of their marked RMP during the incident, PO Bourne stated that at the initiation of the vehicle stop, he and Sgt. Taylor crossed paths in front their RMP after exiting, wherein Sgt. Taylor approached the driver side where § 87(2)(b) was seated, and he approached the passenger side where § 87(2)(b) was seated (BR08). At the passenger side of the vehicle, PO Bourne observed § 87(2)(b) composing a text message on her cell phone, which read, "I can't believe this bitch reported the car stolen." PO Bourne observed § 87(2)(b) compose the text message in question from a distance of approximately 12 inches away, had observed it prior to § 87(2)(b) being arrested, and that he did not have possession of her phone at that time. PO Bourne stands approximately 6'4" tall and could not recall if the passenger window was up or down when he observed the text message on § 87(2)(b)'s cell phone.

PO Bourne did not know when he collected § 87(2)(b)'s and § 87(2)(b)'s property. When asked if he took possession of and vouchered § 87(2)(b)'s cell phone, PO Bourne replied, "They had so much property...it looked like they lived in that car," and ultimately was unable to recall if he vouchered her phone.

Later that evening at the 63<sup>rd</sup> Precinct station house, Det. Phelan appeared and told the PO Bourne and Sgt. Taylor that they needed to let § 87(2)(b) go. PO Bourne and Sgt. Taylor told Det. Phelan they could not let § 87(2)(b) go as she was charged with being in possession of a stolen vehicle. Det. Phelan persisted and said that it had nothing to do with § 87(2)(b) that

it was between § 87(2)(b) and her ex-girlfriend who had reported the vehicle stolen, and told the officers that they needed to let § 87(2)(b) go “right now.” PO Bourne told him that there was nothing he could do, and further stated that because § 87(2)(b) was in the vehicle at the time of arrest, and had asked him numerous questions about the circumstances of her arrest, PO Bourne believed that § 87(2)(b) was involved. PO Bourne did not remember discussing the text message he observed on § 87(2)(b) s cell phone with Det. Phelan, and denied that Det. Phelan questioned him about looking in or through her cell phone. PO Bourne denied that he searched § 87(2)(b) s cell phone, but could not remember if he searched § 87(2)(b) s purse.

Sgt. Taylor also stated that at the initiation of the vehicle stop, he approached the driver side and PO Bourne approached the passenger side, respectively (BR09). Sgt. Taylor spoke with § 87(2)(b) obtained her driver’s license and registration, and said that § 87(2)(b) was in the passenger seat, texting on her cellphone. After obtaining licenses and the registration, Sgt. Taylor and PO Bourne returned to their RMP, wherein PO Bourne informed Sgt. Taylor that he had observed § 87(2)(b) send a text which, in sum and substance, read: “This bitch must have reported the car stolen because the cops are here.” Sgt. Taylor did not observe or read the text message PO Bourne had referenced to him at any point during the incident.

Later that evening at the 63<sup>rd</sup> Precinct stationhouse, Det. Phelan asked Sgt. Taylor for § 87(2)(b) to be released as she was the passenger and not the driver, and she did not know the car was reported stolen. PO Bourne told Det. Phelan that § 87(2)(b) knew the vehicle was stolen based upon the text message he had observed her compose on her cell phone. When asked if Det. Phelan questioned him or PO Bourne regarding whether or not they had looked into § 87(2)(b) s cell phone, Sgt. Taylor stated that he did not recall that conversation. Sgt. Taylor denied vouchering either female’s property during the processing of their arrests, however, he did not know where or what he was doing during their processing or for the duration of his tour.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)



**Allegation G—Abuse of Authority: Police Officer Jonathan Bourne propositioned § 87(2)(b)**

On April 9, 2018, § 87(2)(b) called the CCRB and informed the undersigned that she had found a piece of paper in the purse she had during her arrest, on which PO Bourne had written his name and cell phone number, which she promptly photographed and emailed (BR22). The top portion of the pink paper is folded over to reveal the back side of the paper, wherein is written "PO Bourne," and underneath, "§ 87(2)(b)." § 87(2)(b) felt that PO Bourne leaving his phone number in her purse was inappropriate and believed his intention was romantic in nature.

After receiving PO Bourne's memo book, wherein "PO Bourne" is handwritten on the cover (BR15), the two handwritten samples were reviewed by the undersigned and compared (BR16). After reviewing and comparing the two handwritten samples, the investigation found that the handwriting on the piece of paper found in § 87(2)(b)'s purse and the handwriting on the cover PO Bourne's memo book contained remarkable similarities.

During his interview, Det. Phelan stated that he was aware that § 87(2)(b) had found a piece of paper in her purse after her arrest, and stated that, § 87(2)(b) told me, that she was perplexed, that [PO Bourne] gave [her] his name and cell phone number. I was perplexed, too...I didn't witness anything, as far as him doing anything inappropriate with my daughter...But, it was weird" (BR05). Det. Phelan was presented with the photograph of the pink piece of paper containing PO Bourne's name and personal cell phone number, however, he did not know why PO Bourne provided it to § 87(2)(b) and could not offer any hypothetical reasoning as to why he would have provided it to her.

During his second interview, Det. Phelan denied that he was provided with any officer's contact information or phone number during the incident, and denied that PO Bourne provided him with the pink piece of paper containing PO Bourne's rank, surname, and cell phone number (BR23). Det. Phelan stated that he first saw the pink piece of paper containing PO Bourne's contact information on March 29, 2018, when § 87(2)(b) came to his house, showed him the pink piece of paper she had found in her purse after her arrest, and stated, "Look at this. This guy gave me his cell number." Det. Phelan told her that that was weird.

Det. Phelan acknowledged that he spoke with PO Bourne during the incident at the 63<sup>rd</sup> Precinct stationhouse, and again denied that PO Bourne provided him with the pink piece of paper. Det. Phelan stated that the second time he went to the 63<sup>rd</sup> Precinct stationhouse the night of the incident, Sgt. Taylor had gone home, and he collected § 87(2)(b)'s property from PO Bourne. Det. Phelan denied that PO Bourne provided him with any paper at that time, and stated that PO Bourne solely gave him § 87(2)(b)'s property, which included her purse. Det. Phelan acknowledged that § 87(2)(b)'s purse, given to him by PO Bourne, was the same purse that § 87(2)(b) later found the pink piece of paper in. Det. Phelan did not recall seeing PO Bourne place the piece of paper in § 87(2)(b)'s purse, or indicate in any way that he provided his contact information to him or § 87(2)(b). Det. Phelan denied that he placed anything, including the pink piece of paper, in § 87(2)(b)'s purse during the incident.

When asked, Det. Phelan stated that he was not aware of a duty captain being notified in regards to this incident. Det. Phelan stated that he was not interviewed by anyone, besides the CCRB, regarding this incident, and was not notified about a duty captain being involved or conducting an investigation in regards. Det. Phelan said there would be no reason or need to notify or call a duty captain for an off duty officer inquiring at a stationhouse about an arrested family member. Additionally, Det. Phelan affirmed that it would not be his responsibility to notify a duty captain regarding this incident, but rather, would be the duty of the desk officer of the 63<sup>rd</sup> Precinct.

PO Bourne stated that he had multiple conversations with § 87(2)(b) the evening of March 27, 2018, however, they were all concerning her arrest and the unfairness of her case (BR08). PO Bourne did not recall any specific statement he or § 87(2)(b) may have made to each other, but stated that he tries to calm down each prisoner he interacts with. PO Bourne denied that he and § 87(2)(b) had any conversation about continuing to talk or meeting up in the future, and stated, “That’s ridiculous.” PO Bourne denied that he has ever provided civilians or prisoners with his contact information. PO Bourne denied that he has seen, spoken to, or interacted with § 87(2)(b) since this incident.

When asked if his personal cell phone number is “§ 87(2)(b),” PO Bourne replied yes. PO Bourne denied that he ever gave his personal cell phone number to § 87(2)(b). PO Bourne stated that he had no idea how § 87(2)(b) obtained his name and personal cell phone number written, and added, “I don’t give my phone number out to random perps I arrest. That makes no sense.” PO Bourne was presented with the photograph of the piece of pink paper sent by § 87(2)(b) which contained his name and confirmed personal cell phone number. PO Bourne denied that he provided § 87(2)(b) with the piece of paper or put it in her purse.

When asked if the handwriting seen on the pink piece of paper was his own, PO Bourne stated, “It could be anyone’s handwriting. It’s not mine. It could be anyone’s handwriting but I didn’t write that though.” PO Bourne eventually denied that the handwriting on the pink paper resembled his own. Later in the interview, PO Bourne recalled that Det. Phelan gave him his Detective Bureau business card, and thought “maybe” he gave a slip of paper to Det. Phelan in return, but could not definitively state that he did in fact give the pink piece of paper with his name and personal cell phone to Det. Phelan. When asked if he wrote on the pink piece of paper in question, PO Bourne replied that he writes on “any piece of paper” if he is doing arrest paper work, and could offer no further explanation for how or why the pink piece of paper containing his handwritten name and cell phone number was found in § 87(2)(b)’s purse.

Sgt. Taylor did not notice anything remarkable with regard to the interactions between PO Bourne and § 87(2)(b) and was not aware of PO Bourne having given his personal cell phone number to § 87(2)(b) (BR09). Sgt. Taylor stated that there would be no reason for an officer to give their personal cell phone number to a civilian.

The Department has a zero-tolerance policy toward all forms of sexual assault and sexual harassment of prisoners by other prisoners or any other person. Any instance or allegation that a prisoner was sexually assaulted or sexually harassed while in custody of this Department will be immediately reported to a supervisor and P.G. 210-07, “Prisoners – Unusual Occurrence” will be complied with. A prisoner who reports being a victim will be separated from the alleged offender and medical attention will be provided if appropriate. Patrol Guide, Procedure 210-01, *Additional Data: Sexual Assault and Sexual Harassment of Prisoners* (BR22).

§ 87(2)(g)

§ 87(2)(g)

### Civilian and Officer CCRB Histories

- This is the first CCRB complaint in which § 87(2)(b) has been a party.
- Sgt. Taylor, an 11-year-member-of-service, has had three prior CCRB complaints filed against him, with a total of 10 allegations, five of which were substantiated (See officer history). § 87(2)(g)
  - In CCRB #201609694, stop, frisk, and search of a person allegations were substantiated against Sgt. Taylor, the Board recommended Command Discipline A, and the NYPD gave him the penalty of formalized training.
  - In CCRB #201704208, detainment and summons allegations were substantiated against Sgt. Taylor, the Board recommended Command Level Instructions, and the NYPD gave him the penalty formalized training.
- PO Bourne, a three-year-member-of-service, has had six prior CCRB complaint filed against him, with a total of 15 allegation, none of which were substantiated (See officer history). § 87(2)(g)
  - In CCRB #201900286, stop and questions allegations have been made against PO Bourne, which is currently under investigation.
- PO Pascual, a three-year-member-of-service, has had one prior CCRB complaint filed against her, with a total of one allegation, which was not substantiated (See officer history). § 87(2)(g)

### Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation for this case.
- On § 87(2)(b), the CCRB received a Notice of Claim filed by Nicholas Elefterakis, Esq., on behalf of § 87(2)(b) in regards to this incident (BR20). § 87(2)(b) seeks monetary redress for “personal, physical and emotional injuries,” and does not claim any specific amount but asks for it to be determined at trial.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 7

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_

Signature

Print Title & Name

Date